

Application Serial No. 10/007,222

### REMARKS

Reconsideration of the application is requested in view of the above amendments and the following remarks. Claims 1 and 21 have been amended. New claims 22-25 have been added. Support for the amendments to claims 1 and 21 and the new claims can be found in at least Figures 1, 2 and 4, and the description of those Figures in the present application. Claims 1-25 are pending in the application. No new matter has been added.

#### §112 Rejection

Claim 12 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 12 has been amended and is now definite.

#### §102 Rejections

Claims 1-4, 8-15 and 19-21 were rejected under 35 U.S.C. § 102(b) as being anticipated by Yamada (U.S. Patent No. 6,422,201). Applicant respectfully traverses the rejection. Claim 4 is canceled, rendering this rejection moot as to that claim.

Yamada discloses an air intake system for a motorcycle. The system is positioned above the motorcycle engine and between a driver's seat 16 and the handlebars (steering member) of the motorcycle. The air intake 28 is positioned frontward on the motorcycle from the engine air inlet 18a, 21.

Yamada fails to disclose "a first hood member positioned between a front end and a steering member of said vehicle," as required by claim 1. Yamada also fails to disclose "positioning said first and second hood members between a front end of said vehicle and said steering member," as required by claim 21. The upper and lower portions of the case 22 disclosed by Yamada, which the rejection points to as being hood members, do not meet the limitations of the first hood member required by claim 1. Therefore, Yamada fails to disclose every limitation of claim 1 and the claims that depend from it.

Yamada further fails to disclose "wherein said at least one air intake is defined between said first and second hood members," as required by claim 2. The lower case member 22b alone defines the air intake 18. Concerning claim 3, Yamada fails to disclose "said at least one air

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intake is defined around a portion of a peripheral edge of said second hood member." The air intake 18 disclosed by Yamada is defined in a sidewall of the lower case member 22b.

Therefore, claims 2 and 3 are allowable for these additional reasons.

### §103 Rejections

Claims 1-10, 13, 15 and 17-21 were rejected under 35 U.S.C. § 103(a) as being obvious over Tanaka (U.S. Patent No. 5,174,258) in view of Thornburgh (U.S. 4,778,029). Applicant respectfully traverses the rejection. Claims 4 and 17 have been canceled, rendering this rejection moot as to those claims.

Tanaka discloses an air intake system for a snowmobile. The system includes an inlet 77 defined in a top surface of hood member 14, and an inlet 99 in a dash of the snowmobile. Air entering inlet 77 moves rearward towards an engine air inlet 84. The engine air inlet 84 is positioned rearward of the engine 16.

Thornburgh discloses a screen layer on an upstream, upper side of a filter member in an air intake system.

Neither Tanaka nor Thornburgh discloses or suggests "an engine air inlet in communication with said at least one air intake, said engine air inlet being positioned frontward of an engine of said vehicle," as required by claim 1, or "positioning said engine air inlet in said vehicle frontward of said engine," as required by claim 21. Tanaka discloses the engine air inlet 84 positioned rearward of the engine 16. Thornburgh fails to disclose an engine air inlet. Therefore, Tanaka and Thornburgh fail to disclose or suggest every limitation of claims 1 and 21 and the claim that depend from them.

The position of the engine air inlet is important for at least the purpose of control engine noise. In many instances, it is important to reduce, shield, or otherwise protect the vehicle operator from engine noise. By placing the engine air inlet further away from the operator seating position (e.g., frontward of the vehicle engine), the amount engine noise heard by the operator can be reduced.

Tanaka and Thornburgh also fail to disclose or suggest "an air flow path from said at least one air intake to said engine air inlet, said airflow path extending in a direction from said steering member towards a front end of said vehicle," as required by claim 1. The path for air flowing

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through the air intake 77 of Tanaka towards the engine air inlet 84 is in a direction from a front of the vehicle towards the handlebars 19. Thornburgh fails to disclose or suggest a direction of airflow relative to a vehicle. Therefore, Tanaka and Thornburgh fail to disclose or suggest every limitation of claim 1 for this additional reason.

Tanaka and Thornburgh also fail to disclose or suggest "wherein said at least one air intake is defined between said first and second hood members," as required by claim 2, and "wherein at least one air intake is defined around a portion of a peripheral edge of said second hood member," as required by claim 3. Tanaka discloses the air intake 77 defined solely by the hood member 14 and the air intake 99 defined in the dash and by hood member 21. Thornburgh fails to remedy these deficiencies. Therefore, claims 2 and 3 are allowable for these additional reasons.

Tanaka and Thornburgh also fail to disclose or suggest "wherein said screen extends along substantially an entire length of said second hood member," as required by claim 18. Tanaka discloses a separation layer in which aperture 97 is formed. This separation layer is not a screen not does it extend along substantially an entire length of the hood member 21. The screen member disclosed by Thornburgh is not associated with a hood member. Further, Thornburgh fails to remedy the deficiencies of Tanaka as it relates to claim 18. Therefore, Tanaka and Thornburgh also fail to disclose or suggest every limitation of claim 18 for this additional reason.

#### New Claims

New claims 22-24 have been added as new dependent claims from amended claim 21. Applicant submits that claims 22-24 are allowable for at least the reason they are dependent upon an allowable base claim. Further, Applicant submits that the art of record fails to disclose or suggest "positioning a portion of said at least one air intake on the vehicle rearward of said engine," as required by claim 22, "wherein said engine air intake is closer to a front end of said vehicle than said at least one air intake, as required by claim 23, or "providing said at least one air intake along a top primary surface of said first hood member," as required by claim 24.

New claim 25 is directed to a snowmobile that includes at least one air intake at least partially defined between the first and second hood members, engine air inlet positioned

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frontward of the engine, and a screen layer interposed between the at least one air intake and the engine air inlet. None of the art of record discloses or suggests every limitation of claim 25.

In view of the above, Applicant requests reconsideration of the application in the form of a Notice of Allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's attorney listed below at 612.371.5387.

Respectfully submitted,

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